IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4111 of 2007()

CRIME NO. 290/07 OF KONNI POLICE STATION

PETITIONERS/2ND & 3RD ACCUSED

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1. THOMAS SAMUEL S/O LATE THOMAS,
   AGED 65 YEARS, THEKKUMALAPUTHUPARAMBIL,
   ATTACHACKAL, KONNI.

2. KUNJUMOL SAMUEL W/O THOMAS SAMUEL,
   AGED 60 YEARS, THEKKUMALAPUTHUPARAMBIL,
   ATTACHAKAL, KONNI.

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
   REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   KONNI POLICE STATION,
   PATHANAMTHITTA DISTRICT.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4111 of 2007

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Dated this the 6th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners are the parents of the husband of the defacto complainant. The defacto complainant has raised allegations under Section 498A I.P.C. against the petitioners. The complaint was referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage had taken place about one decade back. Two children aged about 10 years and 3 months have been born in the wedlock. The petitioners allege that merely because of the strain in the matrimony, untenable allegations are raised to vex and harass the petitioners.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued in favour of the petitioner. In coming to this conclusion I take note of the reality that if the

petitioners were arrested and detained in custody, that would mar all possibilities of reconciliation of marital relationship.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 13.7.2007 at 11 a.m. The learned Magistrate shall release them on regular bail on condition that they execute bonda for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 14.7.07 and 15.7.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 13.7.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 13.7.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 13.7.2007.

(R. BASANT)
Judge

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